

## SERVING PROCESS IN CERTAIN CASES.

JUNE 4, 1860.—Ordered to be printed.

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Mr. REYNOLDS, from the Committee on the Judiciary, made the following

### REPORT.

*The Committee on the Judiciary, to whom was referred "a bill to provide for serving process in certain cases," respectfully report:*

It is proposed by the bill before us to provide that in all cases pending in the circuit courts, at law or in equity, in relation to patents, and in all cases where an injunction shall be granted, and one or more of the defendants reside out of the district in which the court sits, process, subpœna, or writ of injunction may be issued to the marshal of the district in which the defendant resides, and may by him be served and returned; and thereupon the defendant so served shall be deemed a party to the suit to the same extent as if he resided and had been served with process in the district where the court is held. A similar provision is also proposed as to any one or more defendants who may absent himself from the district where the court in which a suit is pending is held, allowing service to be made in any district where he may be found, and thereupon he shall be deemed a party, and bound by the judgment rendered in the cause.

The adoption of the principle of this bill would substantially obliterate all territorial limits in the jurisdiction of the circuit courts over parties in cases where more than one defendant is impleaded, and break down a rule which has existed since the inauguration of the judiciary system of the federal government; and your committee are not prepared to recommend the adoption of any such a change. All courts in obtaining jurisdiction, by its process, over the person of a party, or in the effort to compel obedience to its decrees, are circumscribed within certain territorial limits. We are not aware of any court, in this country or any other, which is allowed to send its process beyond the boundaries within which it may lawfully act for the purpose of summoning a party to its bar, or for the enforcement of its orders and judgments, and no reason occurs to us which should induce an enlargement of the powers of the circuit courts of the United States in this respect. These courts are all separate and distinct tribunals, having power within certain limits, and can acquire jurisdiction over the

person of any party residing within those limits or found therein, whether a resident or not. It would not, we think, be proposed by anybody to allow the process of the circuit courts to be sent all over the United States in all cases, and we can see no reason for giving these courts this authority in patent cases, or in cases in which injunctions issue. It is always inconvenient to a plaintiff who is unable to find the party he wishes to prosecute within the jurisdiction of the court in which he desires to bring suit, but this inconvenience is common to all parties who have occasion to seek the courts of justice, and it seems impossible to obviate it; at all events we see no reason which commends the principle of the bill before us to favorable consideration, and we recommend that it do not pass.